

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY DATA LINK,	)	
INC. FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO PROVIDE	)	CASE NO.
INTERLATA AND INTRALATA TELECOMMUNICATIONS	)	92-399
SERVICES WITHIN THE COMMONWEALTH OF	)	
KENTUCKY	)	

O R D E R

Kentucky Data Link, Inc. ("Kentucky Data Link") is a Kentucky corporation authorized by the Federal Communications Commission to provide point-to-point service on an interstate basis through its ownership of a digital microwave system. The current network consists of a microwave system with towers located in Paducah, Madisonville, Princeton, Castleberry, and Calvert City within Kentucky and a tower in Metropolis, Illinois. These towers were built to provide interstate traffic and Commission approval was not required.

On October 5, 1992, Kentucky Data Link filed its application with the Commission seeking a Certificate of Public Convenience and Necessity to provide intrastate telecommunications services within the Commonwealth of Kentucky. On October 9, 1992, the Commission received an amendment to the application of Kentucky Data Link.

Kentucky Data Link proposes to provide its customers with intrastate private line services furnished between and within Kentucky Data Link's points of presence. The service will reach the end-user by use of the facilities provided by the Local

Exchange Carrier ("LEC"). Kentucky Data Link plans to expand the network to cover the entire Commonwealth of Kentucky, as shown in its application.

On November 2, 1992, AT&T Communications of the South Central States, Inc. ("AT&T") moved to intervene in this proceeding and filed a request for information from Kentucky Data Link. The Commission granted AT&T's motion on November 6, 1992, and further ordered that Kentucky Data Link respond to AT&T's request for information. On November 11, 1992, BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed a motion to intervene in this proceeding. The Commission granted South Central Bell's motion on November 19, 1992.

By Order dated December 2, 1992, AT&T and South Central Bell were provided an opportunity to file comments. Kentucky Data Link was given time to respond to those comments. Any request for a hearing was to be filed with the Commission by January 2, 1993. The Commission received no such request. The Commission's procedural Order stated that this proceeding would be submitted to the Commission for its decision if no such requests were filed.

Kentucky Data Link's application provides information on the financial, technical and managerial capabilities of its organization. Based upon this application, the Commission finds that Kentucky Data Link has the financial, technical and managerial ability to provide point-to-point microwave telecommunications service.

Kentucky Data Link initially planned to provide service only through special contracts which were to be maintained on file with the Commission according to the proposed tariff filed October 5, 1992. On January 21, 1993, Kentucky Data Link filed another proposed tariff containing its rates and the conditions under which it would provide service to any interested subscriber. The Commission has reviewed this proposed tariff and finds that it should be approved as Kentucky Data Link's tariff to be effective as of the date of this Order. The tariff should be refiled in compliance with Commission regulations. Customers requiring unique construction requirements or volume discounts may be served pursuant to a special contract on file with the Commission.

The December 21, 1992 comments by Kentucky Data Link indicate that it has not yet provided intrastate service. Kentucky Data Link should provide intrastate service by obtaining access only through the intrastate tariffs of other carriers. Kentucky Data Link interstate service may be provided by obtaining access through interstate tariffs of other carriers.

Construction of facilities used for intrastate service requires prior approval of this Commission. Kentucky Data Link should file an application for a Certificate of Public Convenience and Necessity (as required by KRS 278.020(1)) before it commences construction of any future microwave towers or other facilities.

The Commission, having considered the application and the information provided by Kentucky Data Link, and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Kentucky Data Link be and it hereby is granted authority to provide intrastate telecommunications services within the Commonwealth of Kentucky on and after the date of this Order.

2. Within 30 days from the date of this Order, Kentucky Data Link shall re-file its January 21, 1993 tariff and any special contract pursuant to 807 KAR 5:011, effective as of the date of this Order.

3. Kentucky Data Link shall make its tariffed services available to anyone requesting such services.

4. Kentucky Data Link shall provide all special contracts to the Commission for approval prior to their implementation.

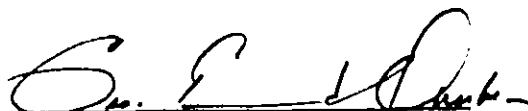
5. Kentucky Data Link shall provide intrastate service by obtaining access only through the intrastate tariffs of other carriers.

6. Kentucky Data Link shall file an application for a Certificate of Public Convenience and Necessity prior to constructing any future microwave towers or other facilities in Kentucky as required by KRS 278.020(1).

7. Kentucky Data Link's authority to provide service in this Commonwealth is strictly limited to those services described in this Order and Kentucky Data Link's application.

Done at Frankfort, Kentucky, this 8th day of February, 1993.

PUBLIC SERVICE COMMISSION

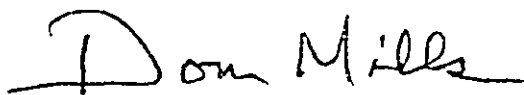
  
Chairman

  
Vice Chairman

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Commissioner

Commissioner Robert M. Davis did not participate in this decision.

ATTEST:

  
Executive Director